

No. 15-3912, 16-1203, 16-1408
Consolidated with Nos. 15-3909, 15-1245

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

In re: Target Corporation Customer Data Security Breach Litigation

LEIF A. OLSON,
Objector-Appellant,

v.

CONSUMER PLAINTIFFS,
Plaintiff-Appellee,

TARGET CORPORATION,
Defendant-Appellee.

Appeal from the United States District Court
for the District of Minnesota,
Case No. 0:14-md-02522-PAM
Judge Paul A. Magnuson

Appellant Olson's Motion to Stay Briefing Schedule

On February 12, 2016, Appellant Olson filed a Motion to Vacate \$46,872 of the Appeal Bond, or, in the Alternative, Motion for an Order Vacating Joint and Several Liability and Requiring Appellant Sciaroni to Contribute His One-Half Share of the Appeal Bond or, in the Alternative, to Dismiss Sciaroni's Appeal ("Motion to Vacate or Dismiss").

Currently, the briefing schedule set by the Court provides that the brief of Appellant Sciaroni and the brief of Appellant Olson are due on April 7, 2016. While there is less than three weeks until opening briefs are due, the Court has yet to rule on Olson's Motion to Vacate or Dismiss.

Olson's Motion seeks the alternative relief of dismissing Appellant Sciaroni's appeal. *See* Motion to Vacate or Dismiss at 18. Appellate briefing schedules are typically stayed when there is a pending motion to dismiss. *See, e.g.*, 15-3915 (8th Cir. Dec. 22, 2015) (staying briefing schedule pending motion to dismiss Appellant Miorelli's appeal); *cf.* 9th Cir. Rule 27-11 ("Motions requesting [dismissal] shall stay the schedule for record preparation and briefing pending the Court's disposition of the motion.").

Further, it is fundamentally unfair to require Olson to litigate the appeal when Olson's liability of the appeal bond is uncertain. In his Motion to Vacate or Dismiss, Olson argued that the appeal bond was unfair because Olson was required to pay for appeal costs generated by Sciaroni's appeal. *See* Motion to Vacate or Dismiss at 17. Briefing should be stayed because if Appellant Sciaroni continues to litigate his appeal and is later dismissed, he may generate costs and Olson will be left with the bill.

Appellant Olson respectfully requests that the briefing schedule be stayed until three weeks after the Court decides Olson's Motion to Vacate or Dismiss.

Dated: March 18, 2016.

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Certificate of Service

I hereby certify that on March 18, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document by First-Class mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants:

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